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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re ENRIQUE C., a Person
Coming Under the Juvenile
Court Law.

B289826

(Los Angeles County
Super. Ct. No.KJ40529)

THE PEOPLE,

Plaintiff and Respondent,

v.

ENRIQUE C.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County, Phyllis Shibata, Temporary Judge.
(Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Tonja R. Torres, under appointment by the Court of Appeal,
for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Paul M. Roadarmel, Jr. and Charles J. Sarosy, Deputy Attorneys General, for Plaintiff and Respondent.

INTRODUCTION

Appellant Enrique C.¹ appeals from a dispositional order issued pursuant to Welfare and Institutions Code section 602 after the juvenile court's true finding on allegations that Enrique committed assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)) following a confrontation in which Enrique used a knife. We find that substantial evidence supports the juvenile court's finding, and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The Los Angeles County District Attorney (the People) filed a petition under Welfare and Institutions Code section 602 alleging that Enrique, age 15, committed felony assault with a deadly weapon, a knife, upon Alvaro Cota (Pen. Code, § 245, subd. (a)(1).) Enrique denied the allegations, and the case proceeded to an adjudication hearing.

A. Prosecution evidence

Cota testified that on March 12, 2018, at approximately 2:45 p.m., he was at the apartment complex where he worked as a maintenance supervisor. He was driving one of the apartment complex's golf carts when he "noticed that this young guy or young kid was driving another golf cart" owned by the apartment complex. The driver was Enrique, and there was a girl with him on the golf cart. Cota was angry because as a supervisor, he was

¹We refer to minors by first names or initials to protect their privacy. (See Cal. Rules of Court, rule 8.401.)

responsible for the golf carts. Cota tried to “tell [them] to get off the golf cart” because they did not have permission to be driving it. When they did not comply, Cota testified that he “tried to gesture with my hands” to get them to get off the golf cart, but they still did not comply.

Cota testified, “I parked my cart and I got off and I ran behind them after them.” He yelled at them to get off, and “then they got off and they started running, they took off running.” Cota stated, “The kid ran, the girl kid ran. Like he was kind of scared and – so I got close to him, to the boy, in my reaction.” When asked if he said anything to Enrique, Cota said, “Not that I remember. I mean, I was upset, I was mad, and I believe he was scared.” The girl “was crying a lot.” Cota and Enrique were “cursing at each other.”

Cota testified that he had pliers and a screwdriver in his pockets, and “I pulled them out once we started the confrontation.” Cota later stated that he only pulled out the screwdriver, because “I think the screwdriver is more powerful to cause more damage than the pliers.” Cota explained that Enrique was wearing a backpack, and he removed it “really quick,” so he “thought [Enrique] was gonna confront me with something.” “Right after” Cota pulled out the screwdriver, Enrique pulled out a knife, and he appeared angry. The knife had “two switchblades that came out on each end.” Cota testified that after Enrique pulled out the knife, “I said that I was gonna beat him up.” Cota stated that he and Enrique were cursing at each other.

During this confrontation, Enrique was “some distance away,” and “I think he was looking out to see if I was going to use a screwdriver or not and to see if he was gonna use – need to use

the knife or not.” When the prosecutor asked Cota if he threatened Enrique, Cota responded, “So I’m in front of him. The only thing that I – I can think about – me hitting him with, it’s the screwdriver.” Cota testified that he dropped the screwdriver and put his hands up, because “I wasn’t able to do anything against the knife, right? That’s logic.” At some point, Enrique made a slashing motion, and “he cut me. I don’t know how it happened.” When asked for details about how he got cut, Cota said, “I don’t really remember. All I remember is” putting his hands up with his palms forward, because “I was trying to create some distance.” Cota said, “I didn’t see him that he was as violent to try to stab me [*sic*].”

Cota testified that after the confrontation, “[s]omebody called the police,” who then took a report. Police officers saw that Cota had blood on his hand and asked if he wanted to go to the hospital; Cota said no. When the prosecutor asked Cota about certain statements he made to police officers according to the police report, Cota said he did not tell officers that Enrique walked toward him, or that Enrique swung the knife toward Cota’s face. Cota said that at some point during the confrontation, Cota put his hand up to prevent himself from being stabbed, and that’s when his hand was cut, but “I didn’t feel it. Honestly, I didn’t see.” A picture of Cota’s hands on the date of the incident was displayed, and Cota agreed that he had been wearing “plastic” gloves. There was a “little mark” near Cota’s index finger, which was “what [Enrique] did with the knife.” Cota said he never told the police about the screwdriver because they never asked.

After a break in the proceedings, the prosecutor asked whether Cota, while outside in the hallway, had stated that he

was “tailoring [his] testimony to help the minor avoid getting in trouble.” Cota said yes, he did not want Enrique to “get more charges” because “I don’t have a cut. I’m doing fine. Nothing happened. He didn’t steal anything. But I understand it was a confrontation between him and I.” Cota also testified that he feared retribution relating to his testimony, but said he was telling the truth.

Witness Mark Abea testified that on March 12, 2018 he witnessed part of the incident between Cota and Enrique. Abea was driving near the apartment complex, and as he rounded a corner he saw Cota and Enrique standing and facing one another. Abea had the windows of his car up, so although he could see that the two were talking, he could not hear them. When he first saw Cota and Enrique, Cota had a screwdriver in his hand, and a moment later Cota’s hands were empty. Abea demonstrated how Cota was holding the screwdriver, and the court stated that “it’s not directly with the tip pointed straight out in front of him, but somewhat up and outward.” A moment later, Cota had his hands up, palms open, about shoulder height. From the movement of his hands, Cota appeared to be trying to calm Enrique down; Enrique appeared angry.

Abea saw that Enrique had a double-bladed knife, and “I could see . . . that he was gonna stab him.” Abea said that while Cota had his two hands open, Enrique was in a fighting position with fists raised, and he made a stabbing motion toward Cota. Abea demonstrated, and the prosecutor described it as “sort of an overhead kind of stabbing motion forward.” Abea said, “It wasn’t completely a downward stabbing motion,” it was “showing that he was going to stab” by moving his fist a few inches. Abea could not tell whether the knife made contact with Cota. The stabbing

motion was done with “kind of the one foot step forward,” and Cota’s “back was towards the bush, so he couldn’t really back up, but he did move back a little bit.”

Abea pulled over and got out of his car. The men were still facing each other, and it did not appear that Cota was being aggressive. The girl was standing slightly behind and next to Enrique, and was also yelling at Cota. Abea testified that he did not know what the people were saying to each other. Abea yelled, and “[a]s soon as I yelled, the minor left with” the girl. They walked away, and Enrique still had the knife clenched in his fist.

Abea approached Cota and asked if he was okay. Abea testified, “I can’t remember exactly what he said, but I remember him telling me that his golf cart was destroyed, and at that point I looked” and saw that there was a golf cart about 13 feet away, and the bumper “was really messed up.” The screwdriver was on the ground near Cota’s feet. Cota said that he had a cut on his hand, and Abea saw that Cota had been cut through his glove. Abea called 911, and he and Cota went to find Cota’s manager.

Los Angeles County Sheriff’s Department deputy Michael Alerich testified that he responded to the scene of the incident. Cota was in the parking lot of a café across the street from the apartments. Cota “was very scared” and “was visibly shaking,” he had an injury on his hand, and he told Alerich that he had been attacked with a knife. Cota told him about running after the golf cart that Enrique was driving, and said Enrique got out of the golf cart and approached him. Cota reported that he said, “Stay away from me,” or “Get away from me.” Enrique had a double-bladed knife in his hands, and “the minor swung the knife . . . towards the victim’s head” or “towards his face.” Cota said he lifted his left hand to block his face, and the knife cut his hand.

Cota was wearing plastic gloves, and the left glove was “shredded.” Cota did not mention a screwdriver or making any threats to Enrique.

As Alerich was talking to Cota at the café, Enrique and the girl approached them. Enrique said he had been the one with the knife, and Cota “started it.” When the prosecutor asked if Enrique provided any additional details, Alerich said, “No.” The girl said she did not want to talk to police. Alerich said officers on the scene spoke with Abea, but Alerich did not give any details regarding that conversation.

Alerich also testified that he was present in court earlier that day when Cota testified. During a break in Cota’s testimony, the prosecutor said he was going to talk to Cota in the hallway, and Alerich went with him. According to Alerich, in that conversation Cota “told us that he would say whatever he had to say in order to help out the minor” because he did not want Enrique to get in trouble. According to Alerich, Cota “kept repeating himself that he would – he wanted to say whatever he wanted to say.” Cota did not say that he had lied or that he would lie.

On cross-examination, Alerich said that on the day of the incident Cota said he had driven the golf cart to an apartment to perform maintenance, and when he came back out, the golf cart was gone. Alerich also said that Cota never mentioned having a screwdriver, and Alerich never asked Cota if he had any weapons.

B. *Defense evidence*

Enrique testified that he was with his friend S. on March 12, 2018, at the apartment complex. Enrique and S. got on the golf cart; the key had been left in it. S. was driving and Enrique

was in the passenger seat; they drove around for 20 to 30 minutes. Cota then saw them driving, and S. tried to turn the cart around to drive away from him, but Cota “stopped in front of us, and then he got out of his cart and started running towards us.” Enrique and S. “got out of the cart and started running.” Cota looked around for something in the cart, then “got out and started running after us with a screwdriver in his hand.”

Enrique testified that they ran about 60 feet; he had his backpack with him. Enrique saw Cota running after them with the screwdriver, and stopped to get his phone out of his backpack to call someone to pick him up. As Cota got close and was still holding the screwdriver, Enrique pulled out his knife “[b]ecause I thought he was gonna stab me was [*sic*] the way he sounded and the way he looked.” Enrique said, “Back up, I’m not going to stab you.” He said that only one blade of the knife was out. Cota seemed “angry” and “really mad,” and threatened to beat Enrique. Enrique said that Cota “looked like he was . . . trying to stab me with” the screwdriver, but “I kept trying to back up, but he kept getting closer with his screwdriver.” Enrique testified that Cota “swung at me with [the] screwdriver in his hand.” Enrique said he did not swing the knife or raise it above waist level. Cota looked to the side and may have seen Abea, then dropped the screwdriver and tried to grab the knife out of Enrique’s hand. Enrique said that Cota “grabbed the whole blade” and tried to twist it out of Enrique’s hand, and Cota’s hand was cut on the serrated edge of the blade. Enrique then heard yelling and saw Abea, and he and S. ran away.

Enrique and S. went to a pizza place across the street from the apartments, next to the café. When they came out of the pizza place, they saw that the police were there. Enrique told the

police what happened. On cross-examination, Enrique said he never called the police, and he did not ask Abea to call the police.

C. *Closing arguments*

Referring to photographs of Cota's hand, the prosecutor argued that "the direction of the cut" on Cota's hand and glove was "only consistent with somebody that had their hand out" in a defensive fashion, and it was "not consistent" with someone grabbing the knife. The prosecutor acknowledged that Cota gave "a lot of different versions" of the facts in his testimony, but the statements he gave to deputy Alerich were consistent with Abea's testimony. He also argued that the evidence showed that Cota "seems to be the one trying to calm things down. He was the one being backed into a bush. The minor was the one advancing on him. It was the minor and [S.] [that] were the ones that were, essentially, aggressive in attacking the victim in this case." He also asserted that Enrique cut Cota's hand after he had dropped the screwdriver: "The reasonable explanation is that the screwdriver was dropped . . . and that's when the injury happened. And that was clearly at a point when self-defense, even if there was a self-defense claim, absolutely no longer applies in this particular case."

Defense counsel argued that this "is clearly a case of self-defense." Cota chased the minors, he was angry, he threatened to beat Enrique, and he was holding a screwdriver. Defense counsel argued that the wound was consistent with a puncture from the serrated edge of the knife. He also pointed out that Enrique did not run away from the area, and approached police after they arrived.

On rebuttal, the prosecutor noted that Enrique fled the scene when Abea arrived, and did not ask anyone to call police.

The prosecutor argued that because Abea was a neutral witness, his version of the events was more reliable than Enrique's, and Enrique's testimony that Cota was the aggressor was not supported by any other evidence. The court took the case under submission and ruled the following day.

D. *Ruling*

In its ruling on the record, the court said that "it's clear that the minor took the golf cart without permission either as the driver or an aider and abettor to the driver." In addition, "Mr. Cota did have a screwdriver and he did chase the two young people. And rightly so, because they took the cart without . . . permission." The court noted that Abea testified that he saw Enrique swing the knife toward Cota, and "he saw the minor take the step with the knife toward the victim." The court also said, "If the court were to believe the minor, the victim took two round-house swings at him with the screwdriver and then missed, then for reasons unknown, decided to drop the screwdriver and then grab on the knife with his hand so he could cut himself with that. It seems very inconsistent that that would be the case."

The court then turned to Enrique's claim of self-defense. "[T]he issue is what law we have to apply; who has the right to self-defense, who doesn't have the right to self-defense." Although no one had suggested that Cota was attempting to make a citizen's arrest when he chased Enrique and S., the court stated, "[The] court does find Mr. Cota was the victim of the golf-cart taking, had a right to pursue the minor and the young lady to effect a citizen's arrest if he wanted, because everything happened in his presence. He also had the right to detain the mi[n]or for law enforcement and use some amount of reasonable force to do it." The court cited *People v. Fosselman* (1983) 33

Cal.3d 572 (*Fosselman*), stating, “‘There’s no right to defend against a valid arrest.’” In addition, the court found that “the victim was pursuing the minor, but not assaulting the minor. The minor committed assault with a deadly weapon when he raise[d] the knife and thrust[ed] it at the victim. So the court finds the petition true beyond a reasonable doubt.”

The court denied Enrique’s motion to reduce the charge to a misdemeanor, but stated that Enrique could seek to have it reduced later depending on his conduct on probation. The court sentenced Enrique to probation.

DISCUSSION

On appeal, Enrique asserts that there was insufficient evidence that Cota was attempting to make a citizen’s arrest, and even if he was, Cota used unreasonable force, and therefore Enrique had a right to defend himself. Enrique also argues that the prosecution did not meet its burden to prove beyond a reasonable doubt that Enrique did not act in self-defense. The Attorney General asserts that the evidence was sufficient to support the juvenile court’s true finding.

In an appeal “challenging the sufficiency of the evidence to support a juvenile court judgment sustaining the criminal allegations of a petition made under the provisions of section 602 of the Welfare and Institutions Code, we must apply the same standard of review applicable to any claim by a criminal defendant challenging the sufficiency of the evidence to support a judgment of conviction on appeal. Under this standard, the critical inquiry is ‘whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’ [Citation.] An appellate court ‘must review

the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence—that is, evidence which is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.” (*In re Ryan N.* (2001) 92 Cal.App.4th 1359, 1371.)

A. *Citizen’s arrest*

Although no one testified or argued that Cota was attempting to make a citizen’s arrest when he confronted Enrique, the juvenile court found that to be the case. Enrique contends there is insufficient evidence that Cota was attempting to make a citizen’s arrest, and even if he were, he used unreasonable force by wielding the screwdriver in the process. This is relevant to Enrique’s self-defense claim because “[w]hen a peace officer or a private citizen employs reasonable force to make an arrest, the arrestee is obliged not to resist, and has no right of self defense against such force.” (*People v. Adams* (2009) 176 Cal.App.4th 946, 952; see also *Fosselman, supra*, 33 Cal.3d at p. 579 [“there is no right to ‘defend’ against a valid arrest”].) “On the other hand, the use of unreasonable or excessive force to make an arrest constitutes a public offense.” (*Adams, supra*, 176 Cal.App.4th at p. 952.) “[A] person who uses reasonable force to protect himself or others against the use of unreasonable excessive force in making an arrest is not guilty of any crime.” (*People v. Soto* (1969) 276 Cal.App.2d 81, 85.)

“A private person may arrest another . . . for a public offense committed or attempted in his presence.” (Pen. Code, § 837.) “An arrest is taking a person into custody, in a case and in the manner authorized by law.” (Pen. Code, § 834.) “An arrest is

made by an actual restraint of the person, or by submission to the custody of an officer.” (Pen. Code, § 835.)

The evidence does not support a finding that Cota was attempting to make a citizen’s arrest at the time he confronted Enrique. Cota, Abea, and Enrique each testified that the interaction between Enrique and Cota involved a confrontation with a screwdriver and a knife, and yelling or talking. According to Cota, he and Enrique were cursing at one another, and Cota threatened to beat Enrique. Abea testified that he could see that the parties were talking, but he did not hear what they were saying to each other. Abea testified that Cota appeared to be trying to calm Enrique with his hands up in a defensive posture, not trying to restrain Enrique or stop him from leaving. Enrique testified that he told Cota he would not stab Cota, and that Cota threatened to beat him.

There is no evidence that Cota attempted to restrain Enrique or take him into custody. The Attorney General asserts that “Cota’s pursuit of appellant, as well as his use of a screwdriver demonstrate Cota’s intent to detain” Enrique. To the contrary, Cota did nothing to detain Enrique. He did not instruct him to stop running, or stay where he was, or wait for police. Instead, Cota testified only that he cursed at Enrique and threatened to beat him, and Enrique testified that Cota threatened to beat him and swung the screwdriver at him. Cota and Enrique both testified that Cota was angry. When Abea approached, Cota did not seek Abea’s help in restraining Enrique or tell Abea that he had been attempting to take Enrique into custody. Any conclusion that Cota intended to detain Enrique contradicts the evidence.

The Attorney General contends that Cota could also effect a citizen's arrest by summoning police, rather than detaining Enrique personally, because a "private citizen may expressly or impliedly delegate the physical act of arrest to a police officer." Penal Code section 839 states, "Any person making an arrest may orally summon as many persons as he deems necessary to aid him therein." "This statute impliedly authorizes the delegation of the physical act of taking an offender into custody. Frequently, as under the circumstances of this case, it is most prudent for a private citizen to summon a police officer to assist in making the arrest." (*People v. Sjosten* (1968) 262 Cal.App.2d 539, 544; see also *People v. Bloom* (2010) 185 Cal.App.4th 1496, 1503 ["The authority to delegate the physical act of taking the offender into custody has been interpreted to mean the citizen is not required to engage in immediate pursuit of a suspect to inform the defendant he is under arrest," so the citizen may "avoid the danger of a confrontation with the suspect."].)

However, the evidence does not support the theory that Cota made a citizen's arrest by delegating the physical act to the police. First, Cota made no attempt to avoid a physical confrontation with Enrique. To the contrary, Cota chased Enrique after he had abandoned the golf cart, and by Cota's own account, he pulled out the screwdriver even before Enrique took out the knife. Second, "in order to validate a police officer's arrest as a citizen's arrest, there must be some evidence to the effect that the citizen requested the police officer to perform the physical act of taking the suspect into custody. [Citation.] The citizen's request . . . may be implied by the citizen's conduct in summoning police, reporting the offense and pointing out the offender." (*People v. Johnson* (1981) 123 Cal.App.3d 495, 499.)

For example, in *People v. Johnson, supra*, 123 Cal.App.3d 495, homeowners heard a thump from an empty bedroom, then saw a man running down the street. (*Id.* at p. 498.) The wife called police while the husband drove around the neighborhood looking for the suspect. Police found the suspect and detained him, and the husband “identified [the man] as the prowler and made a citizen’s arrest.” (*Ibid.*) The Court of Appeal held that the husband’s “actions in summoning police, following the suspect, pointing the suspect’s whereabouts out to police, and thereafter effecting a citizen’s arrest, reasonably support the inference that it was his intention that the [suspect] be arrested.” (*People v. Johnson, supra*, at p. 499.)

In *Padilla v. Meese* (1986) 184 Cal.App.3d 1022, “an inspector for the Department of Food and Agriculture” was working at an “inspection station” when he observed a man driving erratically. When the inspector spoke to the driver, he noticed the smell of alcohol on his breath. The inspector instructed the driver to pull over and park, and summoned the highway patrol. An officer arrived about two minutes later, observed the driver in his vehicle with the engine running, formed the opinion that he was intoxicated, and arrested him. (*Id.* at p. 1025.) The driver challenged the legality of the arrest, asserting that it was neither a valid citizen’s arrest by the inspector, nor a valid arrest by the officer, who had never observed him driving while intoxicated. The Court of Appeal found that the “actions commenced by [the inspector] and completed by [the officer] in this case conform in all significant respects to a standard citizen’s arrest with delegation of the physical arrest to the highway patrol officer.” (*Id.* at p. 1031.)

In the Supreme Court case the juvenile court cited, *Fosselman, supra*, 33 Cal.3d 572, the defendant put a knife to a pedestrian's back and instructed her to go behind a building. She broke away from the defendant, ran into the road, and flagged down a car. An occupant of the car, Lasko, chased after the defendant, while another occupant of the car walked with the victim to a gas station to call the police. (*Id.* at p. 577.) When Lasko caught the defendant, he initially restrained the defendant's arms. Lasko and the defendant scuffled, Lasko tried to knee the defendant, and the defendant broke Lasko's jaw. (*Ibid.*) Others then "helped to wrestle defendant to the ground, where they sat on him until a gas station attendant arrived and tied him up with jumper cables." (*Ibid.*)

The Supreme Court considered "whether defendant's act of striking Lasko was justified on the ground of self-defense." (*Fosselman, supra*, 33 Cal.3d at p. 579.) The court stated that "defendant did commit a felony; further, Lasko had reasonable cause to believe defendant was the culprit. Thus, when Lasko first restrained him by holding his arms, it was defendant's duty not to resist. [Citations.] . . . Lasko was entitled to use reasonable force to detain him." (*Ibid.*)

Here, by contrast, there is no evidence that Cota intended to detain Enrique or follow him while summoning police to accomplish the physical act of arrest. Indeed, Cota did not summon police at all; Abea called 911. In addition, Abea testified that after Enrique left, Abea and Cota went to find Cota's manager—they did not follow Enrique in an effort to lead police to him or otherwise effect an arrest. Alerich testified that Enrique approached him after he responded to the scene, thus indicating that Cota did not lead police to Enrique. The evidence

therefore does not support the juvenile court's finding that Cota was attempting to make a citizen's arrest when he chased Enrique and took out the screwdriver.²

B. *Self-defense*

Given that there was no evidence of a citizen's arrest, we turn to Enrique's assertion that the prosecution was required to prove that Enrique did not act in self-defense (see CALCRIM No. 875³), and failed to meet that burden. In an assault case, "[t]ypically, the prosecution has the burden to prove a defendant did not act in self-defense, because self-defense negates an element of the offense." (*People v. Saavedra* (2007) 156 Cal.App.4th 561, 571; see also *People v. Lee* (2005) 131 Cal.App.4th 1413, 1429 ["the People have the burden to prove beyond a reasonable doubt that the defendant did not act in self-defense."].)

"To justify an act of self-defense for [an assault charge under Penal Code section 245], the defendant must have an

²Because we find that the evidence does not support a finding that Cota was making a citizen's arrest, we do not address Enrique's alternative argument that if Cota had been attempting to make a citizen's arrest, he used excessive force in doing so.

³Pursuant to CALCRIM No. 875, the elements of assault with a deadly weapon are: 1) The defendant did an act with a deadly weapon that by its nature would directly and probably result in the application of force to a person, 2) the defendant did that act willfully, 3) when the defendant acted, he was aware of facts that would lead a reasonable person to realize that his act by its nature would directly and probably result in the application of force to someone; 4) when the defendant acted, he had the present ability to apply force, and 5) the defendant did not act in self-defense.

honest and reasonable belief that bodily injury is about to be inflicted on him.” (*People v. Minifie* (1996) 13 Cal.4th 1055, 1064 [emphasis deleted].) “[T]he defendant’s belief must both subjectively exist and be objectively reasonable. [Citation.] Additionally, ‘[t]he threat of bodily injury must be imminent’ and the force used in response “reasonable under the circumstances.”” (*People v. Brady* (2018) 22 Cal.App.5th 1008, 1014.)

The Attorney General asserts that there is substantial evidence to support a finding that Enrique did not act in self-defense. Abea testified that although he initially saw a screwdriver in Cota’s hand, he then saw Cota holding both hands up, palms forward, as if attempting to calm Enrique down. At that point, Enrique made a stabbing motion with a small step forward toward Cota. According to the Attorney General, Enrique’s “stabbing of Cota while his hands were empty was not reasonable force,” and therefore “there was substantial evidence that [Enrique] did not lawfully act in self-defense when he stabbed Cota.”

Enrique argues that “[a]ny reasonable person in [Enrique’s] position would believe that Cota, an adult man who had angrily chased after [Enrique], posed an immediate threat of great bodily injury when he produced the screwdriver and pointed it at” Enrique. “Thus, when [Enrique] was faced with what was essentially assault with a deadly weapon, he was entitled to respond in kind with a knife.”⁴ Enrique also asserts that just

⁴Enrique asserts that “a screwdriver is capable of being used as a deadly weapon”, and the Attorney General contends that Cota did not use deadly force. Given our findings herein, we do not address this issue.

because Cota dropped the screwdriver at some point during the confrontation, “that does not mean [Enrique] was not also still fearful of imminent bodily injury.”

Enrique’s theory of self-defense is plausible, but does not warrant reversal of the conviction on appeal. The juvenile court “is vested with the power to judge the credibility of the witnesses, resolve any conflicts in the testimony, weigh the evidence and draw factual inferences.” (*People v. Woods* (1999) 21 Cal.4th 668, 673.) We “defer to the [juvenile] court’s factual findings, express or implied, where supported by substantial evidence.” (*People v. Glaser* (1995) 11 Cal.4th 354, 362.)

Here, the juvenile court found Abea’s testimony compelling: “Mr. Abea actually said he saw the minor take the step with the knife toward the victim. Mr. Abea said the minor’s demeanor was angry; the victim’s demeanor . . . was calm. So those are what I find the facts to be.” The court also rejected Enrique’s theory that Cota assaulted Enrique stating, “[T]he victim was pursuing the minor, but not assaulting the minor.”

Substantial evidence supports the court’s conclusion that Enrique was not acting in self-defense. “‘The uncorroborated testimony of a single witness is sufficient to sustain a conviction, unless the testimony is physically impossible or inherently improbable.’ When two or more inferences can reasonably be deduced from the facts as found, a reviewing court is without power to substitute its deductions for those of the trier of fact.” (*People v. Duncan* (2008) 160 Cal.App.4th 1014, 1018.) Abea’s testimony that Enrique made a stabbing motion at Cota after Cota dropped the screwdriver constituted substantial evidence supporting the juvenile court’s finding that Enrique was not

acting in self-defense at the time. As such, the court's true finding is affirmed.

DISPOSITION

The juvenile court's jurisdictional finding is affirmed.

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COLLINS, J.

We concur:

MANELLA, P. J.

WILLHITE, J.